



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Master

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Title: ORDINANCE AMENDING CHAPTER 10 OF THE DULUTH CITY CODE TO CONFORM TO  
THE MINNESOTA STATE BUILDING CODE.

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Enactment Date: 06/25/2018

Attachments:

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Drafter: slapaugh@duluthmn.gov

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### History of Legislative File

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1	City Council	06/11/2018	read for the first time				
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### Text of Legislative File 18-028-O

ORDINANCE AMENDING CHAPTER 10 OF THE DULUTH CITY CODE TO CONFORM TO  
THE MINNESOTA STATE BUILDING CODE.

#### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 10-1 of the Duluth City Code, 1959, as amended, is hereby  
amended to read as follows:

#### **Sec. 10-1. State building code adopted.**

The city of Duluth hereby adopts the ~~hereinafter described 2003~~ Minnesota State  
Building Code, 2015 edition, including all of the amendments and rules and regulations, as  
adopted by State of Minnesota commissioner of labor and industry, with the exception of

~~the optional chapters unless specifically adopted below, or its successor, as either may be amended from time to time, established pursuant to Minnesota Statutes Sec. 16B.59 to 16B.75, and as the same is from time to time amended, and such code is incorporated by reference into this ordinance as if fully set out herein.~~

~~(a) The 2003 Minnesota State Building Code includes the following chapters of Minnesota Rules:~~

- ~~(1) 1300, Administration of the Minnesota State Building Code;~~
- ~~(2) 1301, Building official certification;~~
- ~~(3) 1302, State building code construction approvals;~~
- ~~(4) 1303, Minnesota provisions;~~
- ~~(5) 1305, Adoption of the 2000 International Building Code;~~
- ~~(6) 1307, Elevators and related devices;~~
- ~~(7) 1309, Adoption of the 2000 International Residential Code;~~
- ~~(8) 1311, Adoption of the 2000 guidelines for the rehabilitation of existing~~

~~buildings;~~

- ~~(9) 1315, Adoption of the 2002 National Electrical Code;~~
- ~~(10) 1325, Solar energy systems;~~
- ~~(11) 1330, Fallout shelters;~~
- ~~(12) 1335, Floodproofing regulations;~~
- ~~(13) 1341, Minnesota Accessibility Code;~~
- ~~(14) 1346, Adoption of the Minnesota State Mechanical Code;~~
- ~~(15) 1350, Manufactured homes;~~
- ~~(16) 1360, Prefabricated structures;~~
- ~~(17) 1361, Industrialized/modular buildings;~~
- ~~(18) 1370, Storm shelters (manufactured home parks);~~
- ~~(19) 4715, Minnesota Plumbing Code;~~
- ~~(20) 7670, 7672, 7674, 7676 and 7678, Minnesota Energy Code;~~

~~(b) The following optional provisions and optional chapters of Minnesota Rules are hereby adopted by reference and incorporated as part of the building code:~~

- ~~(1) Appendix Chapter J K (grading) of the 20122002 supplement to the 2000 International Building Code;~~
- ~~(2) Chapter 1335, Floodproofing regulations, parts 1335.0600 to 1335.1200;~~

~~(c) The application, administration and enforcement of this code shall be in accordance with Minnesota Laws, Chapter 32646B, and Minnesota Rules, Chapter 1300. The code enforcement agency shall be called the city of Duluth, which acts through its construction services building safety division or its successor office within the city as designated from time to time by the city's mayor organizational unit of the city. The code shall be enforced by a Minnesota certified building official designated by the city to administer the code (Minnesota Statutes, Sec. 326B.13346B.65, subdivision 1).~~

Section 2. That Section 10-1.1 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

**Sec. 10-1.1. Definition--building official.**

Whenever the words "building official" are used in this Chapter, they shall mean a person certified by the state to perform the duties of a building official as provided in Minnesota Statutes Sec. 326B.13346B.65 or its successor, as it may be amended from

time to time, and authorized to perform such duties on behalf of the city

Section 3. That Section 10-4 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

**Sec. 10-4. Permit requirements and regulations.**

Before any permit is issued for the moving, wrecking, razing or demolishing of a building or structure, the applicant shall file with the building official of the city of Duluth a performance bond and a certificate of insurance, as hereinafter required.

(a) Wrecker's and mover's performance bond. The wrecker's and mover's performance bond shall be executed by the applicant and a corporate surety licensed to do business in this state and shall provide in substance that the applicant and surety are firmly bound unto the city of Duluth in the penal sum of \$10,000, and that such bond shall be void if the applicant shall perform and sufficiently complete all work for which the permit is issued in accordance with all ordinances of the city of Duluth within a reasonable period of time, and shall restore any street or sidewalk damaged or excavated by applicant to its prior condition, and shall reimburse the city of Duluth for all damages to any city property, and shall save the city harmless from any and all claims, resulting from the work operations, regardless of whether the damage is done by the applicant, its agents, employees or subcontractors. For the purpose of interpreting and applying the phrase, "within a reasonable period of time," the building official shall, without excluding other relevant factors, take into account:

- (1) Whether the building or structure is to be wrecked, razed or demolished;
- (2) Whether the building or structure is to be moved from one premises to another premises;
- (3) Whether the building or structure is to be moved upon, along, over and across any one or more of the public highways or grounds of the city of Duluth; and
- (4) As to whether delay by the permittee or his subcontractor in prosecuting the work will endanger or tend to endanger the public health or safety of the city of Duluth and its inhabitants.

Any person wishing to apply for more than one permit to wreck, raze, demolish or move structures or buildings in the city of Duluth in any calendar year, in lieu of filing a separate bond for each permit, may file a bond under the same terms and conditions as set forth above, binding the surety to the sum of \$10,000 for each permit issued, but with an annual calendar year aggregate limit of \$20,000;

(b) Insurance. The applicant shall also file with the building official a certificate of an insurance company authorized by the laws of the state to transact such business duly certifying to the fact that the applicant has in force with such company a comprehensive general liability policy, including completed operations, products liability, explosion, collapse, and underground property liability coverage to cover his operations under such permit. Such policy shall be in the amount of \$500,000 for bodily injuries occurring in any year and \$100,000 for property damage occurring in any year and shall name the city as an additional insured. Such policy shall contain a provision that no cancellation of such insurance shall become effective without ten days written notice to the building official;

(c) Approval of bonds and insurance. All bonds, policies of insurance, or certificates of insurance shall be approved as to form by the city attorney before any applicant shall commence the doing of any work under any permit authorized herein;

(d) Exception to bond and insurance provisions. The owner of any one or two family

dwelling or building accessory to such dwelling who wishes to wreck, raze or demolish such building may be granted a permit without providing the aforesaid insurance certificate and performance bond;

(e) Street obstruction permit required. When any building or structure is to be moved over any public thoroughfare, or when any service disconnection requires excavation in a street or sidewalk, a separate permit shall also be obtained from the division of engineering of the city of Duluth, in accordance with and subject to the terms of Chapter 45, Article II, of the Duluth City Code, 1959; and the time and proposed route for moving shall be approved by the traffic department of the city of Duluth police department. If the bond and insurance required by this Section shall be filed with the building official for a wrecking or moving permit, no additional bond or insurance need be filed with the engineering division to obtain a street obstruction permit for such wrecking or moving;

(f) Buildings or structures which can be moved. A permit may be granted for the moving of any building or structure which is structurally sound and safe, from one location on the same premises, or from one premises to other premises, provided such building or structure conforms to the applicable regulations of the State Building Code and the zoning ordinance of the city of Duluth;

(g) Buildings and structures which cannot be moved. No permit shall be granted for the moving of any building or structure, or portion thereof, which has deteriorated or been damaged to an extent greater than 50 percent of the value of a similar new building or structure;

(h) Certain dilapidated buildings or structures not to be moved--exceptions. No permit shall be granted for the moving of any building or structure or portion thereof, from one location to another location on the same premises, or from one premises to other premises if in the judgment of the building official, the building or structure:

(1) Is so old, dilapidated and so out of repair as to be unsanitary, unfit for human habitation, occupancy or use; or

(2) By reason of its external appearance would be detrimental to the general character of the neighborhood in its new location, unless plans and specifications are submitted at the same time and a permit is also procured to alter such building or structure in a manner as approved by the building official and in compliance with the regulations of the State Building Code.

If after moving such building or structure, the owner or permit holder fails to alter the building or structure within a period of 60 days in accordance with approved plans and the terms of the permit issued, the building official may deny the use and occupancy of the building;

(i) Sewer line and utilities. Before moving, wrecking, razing or demolishing any building or structure, it shall be the duty of the permittee to give the sewer division, department of public service, of the city of Duluth a notice thereof in writing at least three days, exclusive of Saturdays, Sundays and holidays, in advance, of his intention to do so, and such permittee shall not commence the moving, wrecking, razing or demolishing of any building or structure until the sewer line has been plugged with concrete or other suitable stopper.

Except as provided herein, prior to the moving, wrecking, razing or demolishing of any building or structure, the permittee shall excavate a 2-1/2 foot x 5 foot hole over the water and gas mains, and shall immediately thereafter notify the water and gas department

so that the department can accomplish the physical disconnection of the water and gas service lines from the mains by cutting the service lines from the mains. No moving, wrecking, razing or demolishing shall be commenced until after disconnections are made. After the water and gas department has accomplished the physical disconnection of the service lines from the mains, the permittee shall promptly backfill the excavation and complete the permanent street surface in equal quality to the existing street surface. In cases where the director of water and gas deems appropriate, after taking into consideration the age and condition of the service and the future use of the realty, the director of water and gas may authorize the permittee to post a performance bond in lieu of making the excavations required herein. The bond shall be in an amount sufficient to cover the cost of making such service disconnects and in no event shall be less than \$1,000. The bond shall be written by a corporate surety licensed to do business in the state of Minnesota and shall be conditioned that such bond shall be void if, within one year after the issuance of the permit, either the construction of a new structure on the site be commenced or the excavation required herein shall be made by the permittee. In all cases where a bond is filed in lieu of making the excavations, the water and gas services shall be cut off outside of the building to be moved or demolished and shall be securely capped in a manner approved by the director of water and gas. No moving, wrecking, razing or demolishing shall take place until the services are so capped;

(j) Electrical and telephone wires. In every case in which a permit shall be issued, when such building or structure moving operation requires the displacement of any overhead electrical or telephone wires, it shall be the duty of the person owning, operating and controlling such wires to remove or displace the same so far as it may be necessary to effect the moving operation;

(k) Notice. It shall be the responsibility of any permittee who has made application for any moving operation to notify the person owning, operating, or controlling any overhead wires of the proposed moving operation, and no permit shall be issued hereunder until satisfactory proof is offered to the office of the building official that such person shall remove or displace such wires sufficiently to allow the passage of the building or structure along the highways over which such wires are suspended on the dates and at the times designated for the passage of such building or structure;

(l) Removal of material and grading incidental to ~~demolition~~ wrecking of buildings and structures ~~through demolition of buildings and structures. Following demolition of a building or structure, a~~ All building materials of any kind or nature which were part of the demolished building or structure including those located below grade not used for filling in excavated areas shall be removed from the property upon which the demolished building or structure was located as soon as it is reasonably possible to do so premises as demolition work progresses. On completion of demolition and removal of such materials, any excavation resulting from such demolition the premises shall be filled to an elevation level with that of the surrounding property with material accepted in the construction industry as "clean fill material" where necessary with soil, cinders or other approved inorganic material and graded to the level of the lot grade adjoining the building site, with allowance made for settlement. Following such filling, all areas shall be seeded and mulched or when new construction is contemplated on the same premises the excavation or basement shall be enclosed with a fence, guard rail, or other approved means to safeguard the public.

Section 4. That Section 10-29 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

**Sec. 10-29. State license required.**

(a) Except as otherwise provided in this Chapter, no permit for the erection, construction, alteration or change of any electrical work or wiring in the city of Duluth shall be issued by the building official to any person unless he is licensed by the Minnesota state board of electricity as an electrical contractor ~~or master electrician~~. Every applicant for such a permit shall furnish the building official with a certificate from the Minnesota state board of electricity stating that he holds an electrical contractor's license or master electricians license;

(b) No person shall perform any electrical work of any kind for another in the city of Duluth unless he is licensed to perform such work by the Minnesota state board of electricity, or is otherwise permitted to perform such work under the provisions of Minnesota state law;

(c) A licensed electrician performing electrical work for another shall carry his license with him during all hours of employment and shall produce this license upon request of the building official or his agent or upon request of the person for whom the work is being done

Section 5. That Section 10-34.1 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

**Sec. 10-34.1. Backflow preventers--testing and registration fee.**

Installation, maintenance and testing of backflow preventers shall be according to the state of Minnesota Plumbing Code. Annual testing of ~~a testable reduced pressure zone backflow prevention device or assembly as preventers~~ is required by the Minnesota State Building Code. Upon receipt of notice for annual testing from the building official, property owners shall have 30 days in which to have backflow preventer testing accomplished by a person certified by the state of Minnesota to perform such testing and to furnish such test results to the building official. All such test results shall contain the certification of the individual performing the test. The building official may assess a registration fee to the property owner for administering the backflow preventer testing program, such fee shall be set in accordance with Section 31-6(a) of this Code. Failure to comply with the provisions of this Section shall be cause to terminate water service upon ten days notice.

Section 6. That Chapter 10 of the Duluth City Code, 1959, as amended, is hereby amended by deleting Article IX thereof in its entirety:

Section 7. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: The purpose of this ordinance is to update various provisions of the city's building code to conform to the Minnesota State Building Code as presently adopted and enforced.